

Seeley Lake Sewer District
REGULAR BOARD MEETING AGENDA

DATE: Thursday, March 18, 2021
PLACE: Virtual Meeting via Zoom
Computer: <https://us02web.zoom.us/j/8563339071?pwd=Z0NhbmRoWitlUFpyME8vTWJ0QlZ0Z09>
Telephone: 1 669 900 6833
Meeting ID: 856 333 9071
Password: 123528
TIME: 6:00 p.m.

ROLL CALL

Tom Morris, President	○	05/2024
Beth Hutchinson, Vice President	○	05/2022
Pat Goodover, Director	○	05/2022
Vacant Position, Director	○	05/2022
Jason Gilpin, Director	○	05/2024
Felicity Derry, Secretary	○	

1. OPENING: Scheduled for 6:00 PM Via Zoom
2. APPROVAL OF AGENDA:
3. PRESIDENT'S COMMENTS:
4. PUBLIC COMMENT: On Items not on the Agenda of the Meeting and within the Jurisdiction of the Sewer District [MCA 2-3-103 (1)a]
5. CORRESPONDENCE:
 - a} Rural Development
 - b} Don Larson
 - c} MACo
6. MINUTES: February 4 & February 24, 2021 - *Action*
7. FINANCIAL REPORTS:
 - a} Invoices - *Action*
 - b} January 2021
8. MANAGER'S REPORT: Status Report
9. UNFINISHED BUSINESS:
 - a} Legal Update
 - b} Next Steps - *Discussion/Action*
 - c} 2022 Budget, Including New Monitoring Wells & Testing Parameters
- *Discussion/Action*
11. NEW BUSINESS:
 - a} Process for Appointing a Director - *Discussion/Action*
 - b} Resolution# 03182021a - Postponing the Project Until Adequate Funding is Authorized, Approved, and Available - *Discussion/Action*
 - c} Resolution# 03182021b - To Reprioritize and Broaden District Efforts to Address Wastewater Treatment - *Discussion/Action*
 - d} Phase III Preliminary Work - *Discussion/Action*
 - e} Response to Don Larson Correspondence - *Discussion/Action*
12. EXECUTIVE SESSION:
 - a} Legal Strategy Regarding the Lawsuit
 - b} Executive Session Minutes
13. NEXT SCHEDULED MEETING: April 15, 2021
14. AGENDA ITEMS FOR NEXT SCHEDULED MEETING:
15. ADJOURNMENT:

MAR 01 REC'D

February 23, 2021

Seeley Lake Sewer District Board

Box 503

Seeley Lake, Montana 59868

Sirs, Madam

I am writing to request re-imbusement for my legal costs associated with challenging the Seeley Lake Sewer District proposa l which has been defeated by the Sewer District residents for a second time.

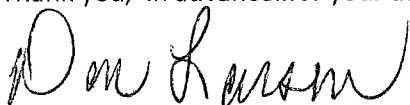
It is a sad day in democracy when a citizen has to sue his local government to secure relief. After defeating the current sewer proposal in 2016 residents sat on the sidelines and watched the Sewer District Board resurrect, with the help of Missoula County Public Works Director Greg Robertson, the proposal. It is appropriate government agencies accept accountability for their actions.

The final proposal presented to.... and defeated by.... the voters a second time would not have protected the watershed , was poorly researched, and expensive. Voters were presented with a project with both costs and benefits entirely uncertain. The only certainty was it would have dramatically raised the cost of housing in Seeley Lake

My documentable legal costs alone..... to defend against this proposal... total \$84,000 In addition I have spent hundreds of additional hours and dollars on this effort. This is a formal request for reimbursement for those legal costs only.

Should you decide against a settlement of this claim, I will return to the Missoula District Court for relief...and damages.

Thank you, in advance..for your attention to this matter



Don Larson

Citizens for Sensible Wastewater Solutions.

encl: copy of original bill

July 31, 2020

Seeley Lake Sewer District Board

Box 403

Seeley Lake, Montana 59868

Sirs, and Madam

In the past three years I have spent \$84,340.32 on legal services from Worden Thane and Haines and Colleen Dowdall Law offices in pursuing my opposition to the proposed Seeley Lake Sewer project. I believe the Seeley Lake Sewer District should reimburse me for these costs. I can document every hour of legal billing.

The Montana Constitution guarantees citizens' right to know, to participate, and to vote on any public indebtedness it is asked to incur. The Seeley Lake Sewer District Board has been intractable in its pursuit of the present alternative and has not served its residents very well. It has failed to properly research its proposal. It has failed to fully examine water quality in the four sub-districts. It has failed to conduct an income survey and determine the debt load residents can assume, it has failed to look at more affordable alternatives and most importantly, it has failed to assess the negative impact on housing costs and the possible negative impact it would have on Pyramid Mtn Lumber....hence the reason for my legal challenge.

The cost of the litigation was exacerbated by your legal counsel and the type of litigation he employs and my legal counsel spent a great deal of time correcting him on facts not relevant to the lawsuit.

My effort to secure a writ of mandamus and allow citizens the right to vote on the project was also an unnecessary and expensive undertaking. While the district court dismissed my actions, it did allow for me to re-file my complaints.

And Mr. Beals filing of a lawsuit on behalf of the board against the two most recently elected members also was a waste of my and Sewer District dollars.

The new Board members secured election because they indicated they would allow citizens to vote on the proposal once the bids are in. That is what I have been fighting for these past three years.

I hope you will consider offering me relief for this regrettable, unnecessary expenditure. Had the past Board members recognized and respected the constitutional rights I outlined above, this would not have been necessary.

Thank you, in advance, for your consideration.

----- Forwarded message -----

From: Don Larson <don_larson1@aol.com>

Date: Wed, Feb 24, 2021, 7:23:AM

Subject: Sewer bond vote

To: tomree82@gmail.com <tomree82@gmail.com>

Hi Tom

I understand the sewer bonds failed. To say I am delighted is an understatement. I would like to formally recommend the Seeley Lake Sewer District Board consider paying its bills and closing up shop. I recommend it have a joint meeting with the Seeley Lake Water District Board and consider formally disbanding both boards and re-constituting themselves as a combined Seeley Lake Sewer/Water District .

Don Larson

cc: Pathfinder



Rural Development

February 24, 2021

sent by email only

Montana State Office

2229 Boot Hill Court
Bozeman, Montana
59715

Voice 406.585.2580
Fax 855.576.2674

Seeley Lake Sewer District
Attn: Tom Morris, District President
PO Box 403
Seeley Lake, MT 59868

SUBJECT: Phase 1 Project Funding subject to cancellation \$12,492,000.
Phase 2 Project Funding application withdrawal from further consideration
as you cannot document ability to construct the project as requested.
This letter provides your appeal rights on both actions.

Dear President, Morris:

We regret to inform the District that we are unable to provide the funding previously awarded to this project. The District received funding from USDA RD and other funders for both the Phase 1A (wastewater collection) and Phase 1B (wastewater treatment) projects. Several requirements in our funding offer have not or can not be completed. **We would like to schedule a call with you if you have questions. Please do not hesitate to contact us, at (406) 585-2520 or 406-600-4642.** Our office is preparing to cancel the funds obligated in FY 2016 and FY 2017 in the amount of as follows:

Phase 1 FY 2016/ 2017 Funding of \$12,492,000

FY 2016 Loans	\$4,488,000	(2.25% interest)	Grant	\$5,702,000
FY 2017 Loan	<u>\$1,302,000</u>	(2.625%-interest)	Grant	<u>\$1,000,000</u>
	\$5,790,000			\$6,702,000

The key activities/ items that relate to these determinations are:

- Inability to authorize the bonds needed to fund the project.

The District was able to authorize assessment bonds for a portion of the debt however, the subsequent legal challenges and the realignment of the force main to the treatment plant caused an increase in project costs. The bond vote of February 2021 which included the additional bonding needed for the project to be fully funded failed to obtain the votes needed to authorize the debt.

Based on the Sept 11, 2017 Letter of Conditions:

- (2c) The project was to begin construction within 36 months which ended on 9/11/2020. Had the recent vote passed we could have considered an additional 24 months to complete the project or 60 months. Note: the original funds were obligated on April 5, 2016, the funds have been outstanding for 58 months.
- The final construction inspection and project closeout was to occur last year (March 30, 2020). Construction of the project has not started, and the performance period ended 3/30/2020.

We plan to cancel the FY 2016 and FY 2017 funds obligated to your project on April 1st, 2021.

The cancelation of funding at this time doesn't adversely affect the Districts ability to apply again in the future. New applications will be reviewed under the agency regulations at time of application.

The canceling of obligated funds has been determined to be an adverse action, and as such, appeal rights must be given prior to any funds being cancelled. If you believe this decision or the facts used in this case are in error, you may pursue any or all of the following three options.

Phase 2 Collection application

The agency will discontinue processing the Phase 2 collection application. The facility can not function without the Phase 1B wastewater treatment plant. The District can reapply for Phase 2 collection at any time in the future if a suitable treatment facility is constructed or simultaneously constructed with the Phase 2 collection

The withdrawing an application from processing has been determined to be an adverse action, and as such, appeal rights must be given. If you believe this decision or the facts used in this case are in error, you may pursue any or all of the following three options.

Option 1 – Informal Review (we recommend this if you have questions)

If you have questions concerning this decision or the facts used in making it and desire further explanation, you may write this office to request an informal review. This written request must be received no later than 15 calendar days from the date of the attached letter. You must present any new information, evidence, and possible alternatives along with your request. You may also have a representative or legal counsel present, at the discretion of the Agency. Please include a daytime phone number in your request to arrange for the review. You may skip this step in the informal process and select one of the following two options. If you do, you will automatically waive your right to an informal review.

Option 2 – Mediation or Alternative Dispute Resolution (ADR)

You have the right to request mediation or other forms of alternative dispute resolution (ADR) for the issues that are available for mediation. **You will have to pay for at least 50 percent of the cost of mediation or ADR.** Rural Development will pay for the other 50 percent of the cost, provided the Agency has sufficient resources. You will be advised how much, if any, the Agency can contribute to the cost of mediation or ADR. You may contact the Rural Development State Director listed below.

If you elect to seek mediation or ADR, your written request for the service must be sent to the Rural Development State Director listed below and must be postmarked no later than 30 days from the date of the attached letter. The Rural Development State Director will advise you of the estimated cost of mediation or ADR, the extent to which the Agency can contribute to the cost, and the process and procedures for this service. In States with a USDA-sponsored mediation program, you will generally be referred to such a service. In States without a USDA-sponsored mediation program, you will be provided the name of mediators. You will be advised directly by the mediation or ADR source if they can mediate your case. Once you request mediation or ADR, it stops the running of the 30-day period in which you may request an appeal (described in Option 3). If mediation or ADR does not result in resolution of these issues, you have the right to continue with a request for an appeal hearing as set forth in Option 3.

When mediation or ADR is concluded, you will be notified of the result and the number of days remaining to request an appeal, if applicable. If you request mediation or ADR prior to filing for an appeal, the number of days you will have to request an appeal will be 30 days from the adverse decision minus the number of days it took you to request mediation. Mediation or ADR does not take the place of, or limit your rights to, an appeal to the National Appeals Division (NAD); however, an NAD appeal hearing would take place after mediation or ADR. You may skip mediation or ADR and request an appeal hearing. However, in doing so, you will automatically waive your rights to an informal meeting, mediation, or ADR.

Rural Development Acting State Director
Jake Ceartin, Acting State Director
2229 Boot Hill Court
Bozeman, MT 59715

Option 3 – Request an Appeal

You may request an appeal hearing by the National Appeals Division (NAD) rather than an informal review, mediation, or ADR. There is no cost for filing an appeal. However, you will be responsible for any attorney fees, witness fees, or miscellaneous charges that you incur in pursuing an appeal. Your request for an appeal must be made **no later than 30 days** from the date you receive the attached letter. Your written request must be sent to the following address:

The National Appeals Division
Western Regional Office
755 Parfet Street, Suite 494

Lakewood, CO 80215

Your request for a NAD hearing must state the reasons why you believe the decision is wrong, be personally signed by you, and must include a copy of the attached letter. A copy of your request must also be sent to the Rural Development State Director at:

Rural Development State Director
2229 Boot Hill Court
Bozeman, MT 59715

You have the right to an appeal hearing within 45 days of the receipt of your request. You or your representative or counsel may contact this office anytime during regular office hours in the 10 days following the receipt of your request for a hearing to examine or copy relevant non-confidential material in your file. Photocopies will be provided to you. Your representative or counsel should have written authorization to represent you and review your file.

The NAD Hearing Office will contact you regarding a time and place for the hearing. You may request a teleconference hearing in lieu of the face-to-face hearing. At any time before the scheduled hearing you may also request that the Hearing Officer make a decision without a hearing. If you do, the Hearing Officer's decision will be based on the Rural Development file, any written statements or evidence you provide and any additional information the Hearing Officer thinks necessary.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants based on race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract), or because all or part of the applicant's income derives from any public assistance program. Department of Agriculture regulations provide that no agency, officer, or employee of the United States Department of Agriculture shall exclude from participation in, deny the benefits of, or subject to discrimination any person based on race, color, religion, sex, age, disability, or national origin under any program or activity administered by such agency, officer, or employee.

If you have any questions, please do not hesitate to contact us, at (406) 303-3434, or email Jennifer Baldassin at jennifer.baldassin@usda.gov

Sincerely,

STEVEN
TROENDLE

Digitally signed by STEVEN
TROENDLE
Date: 2021.02.24 14:40:21 -07'00'

Steven P. Troendle

Director Community Programs, Montana

E-cc: Jake Ceartin, Acting, State Director
Jennifer Baldassin, Area Specialist Missoula
Jean Curtis, Manager, Seeley Lake Sewer District
Amy Deitchler, Great West Engineering
Aaron Neilson, Seeley Lake Sewer District General Council
Dan Semmens, Bond Counsel

Seeley Lake Water District

From: Shannon Chamberlain <smsr@mtcounties.org>
Sent: Thursday, March 4, 2021 3:22 PM
To: Seeley Lake Water District
Subject: RE: Seeley Lake Sewer District

Good afternoon Felicity, please find below an excerpt from the MACo PCT by-laws. Since the district left the trust, I will need to take your request to the Board of Trustees for approval to join again. Their next scheduled meeting is April 7, 2021. That meeting is also our rate setting meeting for policy year 07/01/2021 – 06/30/2022 so I won't be able to provide a quote until after rates are set. I'll keep you posted, please feel free to contact me with any additional questions.

ARTICLE XV
Withdrawal from Membership

Any member may withdraw from MACo PCT after the member's initial two (2) year term effective July 1 by giving notice in writing of its desire to withdraw, no later than thirty days after the renewal proposal was sent or presented to the member. Any member may withdraw from MACo PCT within fifteen (15) days after the adoption of an amendment to this agreement by giving notice in writing to the board of its intent to withdraw. The withdrawn member shall not be entitled to any reimbursement of loss fund contributions that have been paid or surplus and dividends that become payable in the future, and shall continue to be obligated to make any payment for which such obligation arose prior to such withdrawal. A member of MACo PCT that subsequently terminated such membership in MACo PCT and that chooses to again become a member of MACo PCT must petition the board, and receive approval from the board, before again becoming a member.

Shannon Chamberlain

PCT/WCT Trust Administrator
Montana Association of Counties
2715 Skyway Drive
Helena, MT 59602

(406) 449-4370 - office
(406) 431-8621 - cell
(406) 442-5238 - fax

smsr@mtcounties.org
www.mtcounties.org

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From: Seeley Lake Water District <slk2559@blackfoot.net>
Sent: Thursday, March 4, 2021 9:16 AM
To: Shannon Chamberlain <smsr@mtcounties.org>
Subject: Seeley Lake Sewer District

Good Morning,

I am working on the Seeley Lake Sewer District's FY2022 budget. Our District had a second lawsuit filed against it last year, which is ongoing. Our current insurance is with Cincinnati. I wanted to reach out to MACo to see if Cincinnati were to drop the District's insurance, if MACo would insure the District and if so, how much the premium might be?

Thank you for your help in this matter.

Felicity Derry
Secretary
Seeley Lake Sewer District

Correspondence Report

Correspondence

Rural Development Letter

Don Larson Letter

Don Larson Email

MACo Email

Email Request for Information

Cheri Thompson requested how much money the District had paid Great West Engineering.

Sean Thompson requested the 2012 PER and all revisions.

Email Inquiries

SEELEY LAKE SEWER DISTRICT
SPECIAL BOARD MEETING
February 4, 2021

Tom Morris	President	PRESENT	Pat Goodover	Director	PRESENT*
Beth Hutchinson	Vice President	ABSENT	Walt Hill	Director	PRESENT
Jason Gilpin	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT

*Joined the meeting at 8:58pm
Public Attendance - Appendix A

CALL TO ORDER:

Technical issues delayed the beginning of the meeting, which was scheduled to begin at 8:00pm. The meeting was called to order by Tom Morris at 8:45pm after the technical difficulties had been resolved. The meeting was held remotely via Zoom, due to COVID-19.

Jean Curtiss noted that the attorney (Jean Faure) had suggested that the Board present a unified letter. The letter had been drafted with assistance from Dan Semmens and Jean Faure.

APPROVAL OF AGENDA:

The agenda was approved as presented.

PRESIDENT'S COMMENTS:

Tom Morris requested that everybody be respectful and mindful of the current litigation.

PUBLIC COMMENTS:

None.

NEW BUSINESS:

Draft & Send a Unified Letter to the Editor to the Pathfinder

The draft letter was shared onscreen to enable the public to view the document. Tom Morris reviewed the language in the draft letter and questioned the redundancy of the second paragraph with the memo that had been mailed prior to the bond election.

Walt Hill appreciated Tom Morris' comments, but felt that the repetition in the second paragraph was needed and felt that it was a cohesive letter.

Pat Goodover joined the meeting.

Pat Goodover had requested that two sentences be highlighted and had no additional comments.

Jason Gilpin had no comments to add.

The Board reviewed the draft letter with Jean Curtiss and were satisfied that all of their comments had been included.

Tom Morris requested public comment.

Colleen Krause questioned that alternative systems were not mentioned in the letter. Tom Morris noted that the Board had resolved to pursue the system that was on the ballot and were therefore obligated to move forward with that.

Colleen Krause felt that the letter was redundant, not unifying and was a waste of time.

Nathan Bourne noted that the Pathfinder only allowed capital letters and not bold print. Nathan Bourne also questioned the length of time that the USDA had held the funding for the District. Discussion followed on the length of time that had been referenced. Nathan Bourne questioned if some of the wording could be considered as advocacy. Jean Curtiss noted that the District's bond counsel had reviewed the letter; however, the language in question was edited.

Pat Goodover requested input from Jim Erven. Jim Erven felt that the references to the Health Department were accurate and that it was good to reiterate that information. Discussion followed on adding contact information.

The language in the final paragraph was reviewed further.

Walt Hill moved to send the letter to the Pathfinder. Pat Goodover seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Absent
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

NEXT SCHEDULED MEETING:

The next scheduled meeting would be February 18, 2021.

The Board discussed moving the next meeting until after the election and agreed that the meeting should be moved to Wednesday, February 24, 2021 at 6:00pm.

AGENDA ITEMS FOR NEXT SCHEDULED MEETING:

Tom Morris noted that Election Results, 2022 Budget and an Executive Session for administration should be added to the agenda.

ADJOURNMENT OF BOARD MEETING:

Tom Morris moved to adjourned the meeting at 9:20pm. Jason Gilpin seconded the motion.

Attest:

Tom Morris, President

Felicity Derry, Secretary

SEELEY LAKE SEWER DISTRICT
REGULAR BOARD MEETING
February 24, 2021

Tom Morris	President	PRESENT	Walt Hill	Director	PRESENT
Beth Hutchinson	Vice President	PRESENT	Jason Gilpin	Director	PRESENT
Pat Goodover	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT
Public Attendance - Appendix A					

CALL TO ORDER:

The meeting was called to order by Tom Morris at 6:03pm. The meeting was held remotely via Zoom, due to COVID-19.

APPROVAL OF AGENDA:

Jean Curtis noted that the Managers Report could be removed, as everything would be covered under the Bond Election. Also, legal strategy should be first in the Executive Session, so as to not keep Jean Faure longer than needed. Pat Goodover moved to approve the agenda as amended. Tom Morris seconded the motion. The motion carried unanimously.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

PRESIDENT'S COMMENTS:

Tom Morris commented that it was a full agenda and requested that everybody be as brief as possible in order to allow everybody time to speak, be respectful and try to work together.

PUBLIC COMMENT:

Walt Hill read the following statement: "As of this date February 24th, 2021 I resign from the Seeley Lake Sewer Board as director. I have served as an advocate and advisor to, and a member of the Board for about 15 years and feel it necessary to resign at this time. I am especially grateful for the huge amount of time and effort given by my predecessors and my colleague Pat Goodover and for all the excellent support given by Jean Curtiss, Felicity Derry and Kim Myre. I am grateful for the privilege of serving the community and would recommend Duane Anderson, runner up in the previous election, as my successor."

Tom Morris thanked Walt Hill for all of his service to the community.

Colleen Krause suggested that the title be changed from the Seeley Sewer to the Seeley Lake Wastewater District.

Franny Trexler commented that she appreciated Walt Hill's service to the District, but did not agree with his suggestion that a runner up, who did not receive a majority of votes, should be put on the Board.

CORRESPONDENCE:

Tom Morris read the following email, which he had received from Don Larson: "Hi Tom, I understand that the sewer bonds failed. To say I am delighted is an understatement. I would like to formally recommend the Seeley Lake Sewer Board consider paying its bills and closing up shop. I recommend it have a joint meeting with the Seeley Lake Water District Board and consider formally disbanding both boards and re-constituting themselves as a combined Seeley Lake Sewer/Water District. Don Larson cc Pathfinder."

MINUTES:

December 31, 2020

Beth Hutchinson moved to approve the minutes of the December 31, 2020 Special Board Meeting as circulated. Beth Hutchinson commented that the Board needed to pay closer attention to parliamentary procedure in the future. Tom Morris seconded the motion. There was no discussion. The motion was carried unanimously.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Director	Vacant
Jason Gilpin	Aye

January 5, 2021

Beth Hutchinson moved to approve the minutes of the January 5, 2021 Special Board Meeting as circulated. Tom Morris seconded the motion. There was no discussion. The motion was carried unanimously.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

January 21, 2021

Tom Morris moved to approve the minutes of the January 21, 2021 Regular Board Meeting as circulated. Jason Gilpin seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

FINANCIAL REPORTS:

Invoices – January 2021

Felicity Derry reviewed the invoices for the Board. Tom Morris noted that he had checked with the general business attorney on a few things.

Jason Gilpin moved to approve the invoices for payment as presented. Beth Hutchinson seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

Financial Reports - December 2020

There were no questions or discussion regarding the December 2020 financial reports.

WELL & LAKE TESTING REPORT:

Vince Chappell noted that the December testing had been completed and then reviewed the December test results. For the most part they were all tracking as expected and the results were similar to those in December 2019. The exception was the Lions Club Pond where the chloride level was significantly lower, the number of E. coli had increased significantly and the number of coliform had increased exponentially.

There had been an issue with the Missoula County laboratory receiving the samples a week after they were mailed. The samples had arrived late on several previous occasions. Consequently, there were no bacteria tests for those samples. Discussion followed on possible ways to get the samples to the Missoula laboratory on time. The discussion then turned to why the wells were being tested for coliform, as the Health Department did not use bacteria as a conclusive indicator of septic influence.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Bond Election Results Discussion & Next Steps

Jean Curtiss noted that both of the bonds had failed definitively and then reviewed the preliminary election results. Dan Semmens had confirmed that there was no financing tool for the project without the bonds. USDA had informed the District that their grant and loan funds would be de-obligated. The District could appeal that decision; however, as the District had no viable method to repay the loans, USDA would not be inclined to preserve the District's funding.

Jean Curtiss reviewed the status of the project for Phase I, II & III and which funding agencies and other entities had already been notified of the bond election results. There would be further communications with the funding agencies to clarify what actions would be required by the District.

Jean Curtiss recommended that the Board request general counsel to attend the next meeting to talk about some of the options available to the District after the public had demonstrated that they were not ready to build and fund a sewer.

Beth Hutchinson requested that Jean Curtiss send thank notes to Dan Semmens, who had done such an exceptional job, as well as the funding agencies. Tom Morris agreed.

Jim Erven noted that it was disappointing that the bonds didn't pass and questioned what the Board's next step would be to resolve the problem.

Beth Hutchinson noted that the wastewater issues still needed to be addressed and that alternative solutions should be discussed. Tom Morris agreed that currently the Board was still guided by the resolution to pursue the project, but it was unclear what the answer was. Discussion followed on what direction the Board should take and the general counsel attending the next meeting to present a resolution to assist the District to move forward.

2022 Budget

Beth Hutchinson and Tom Morris discussed adding new monitoring wells to the March agenda.

The time line for the budget and the effect that HB255 could have on that time line if it were to pass were discussed. The discussion turned to whether a bill had been received from bond counsel, who had gone above and beyond for the District, and if a bill would be sent to the District. The discussion returned to the budget and the time line that would be needed to facilitate the fee assessment process to be completed and delivered to the Department of Revenue on time.

Permission & Guidance from the Board to Interview with News Agencies

Tom Morris noted that he had received a request for an interview during the election cycle, which he had declined. The District had done a great job of educating the electorate as to the need for the

bonds. There had been another request for an interview regarding the Board's next steps, which lead to Tom Morris requesting guidance from the Board.

Beth Hutchinson noted that the Board hadn't said anything about what they were doing. Also, that the full story should be shared. After calls from the public over concerns that the cost of the bonds was not clear and there had been no mention of O&M in the KPAX story, Beth Hutchinson spoke with KPAX, who were interested in getting things back in balance.

Colleen Krause commented that she did not recall any mention of the O&M cost in that piece. Tom Morris added that the one that he had watched mentioned an O&M cost of \$227,000 per year. Tom Morris noted that the Board had not agreed upon a direction and questioned what he should share with the news agencies or if there were any objections to, or legal issues with, him speaking to the news media.

Pat Goodover commented that at a previous meeting the Board had discussed that the President should talk on behalf of the Board, or at his request the manager, and questioned Beth Hutchinson's call to the news media. Beth Hutchinson felt she had been clear that she did not speak for the Board, did not make any statements and was only trying to obtain information. Beth Hutchinson acknowledged that the President was the official mouth piece for the Board and would not override that.

HB255

Tom Morris noted that Walt Hill had requested that Jean Curtiss draft a letter regarding HB255. Beth Hutchinson was concerned that the bill would interfere with appointing directors, that the 30-day notice period should be lengthened to 45-60 days and that requiring a hearing for any rate increase was a mistake as it did not take inflation into account.

Jean Curtiss reviewed the draft letter that included Dan Semmens' comments. The appropriate length for a protest period was discussed. Appointing directors was discussed. There was an in-depth discussion as to how long a protest period should be. Beth Hutchinson felt that a 45-day protest period was insufficient. The discussion returned to the best way to appoint directors and the length of the appointment. The majority of the Board approved the language in the letter with regards to appointing directors and the term they would serve. The wording regarding the length of the protest period was removed, as a consensus could not be reached. The language of the letter was reviewed further.

Pat Goodover moved that Tom Morris be authorized to sign the letter that Jean Curtiss had drafted as President, and that it be emailed to the committee. Jason Gilpin seconded the motion. There was no further discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

There was further discussion on what constituted a reasonable protest period and removing the applicable language from the letter.

The Board discussed and agreed to adding language objecting to the need for a public hearing for a rate increase that was less than five percent.

Tom Morris moved to send the letter as the Board had agreed. Pat Goodover seconded the motion. There was no further discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

Tom Morris moved that the Regular Meeting recess and the Board enter into the Executive Session for Legal Strategy and Personnel Matters. Pat Goodover seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

All of the Board Meeting attendees who did not attend the Executive Session were placed in the Zoom meeting waiting room while the Executive Session took place.

EXECUTIVE SESSION:

The Board entered into the Executive Session at 7:53pm. The Executive Session concluded and the Regular Board Meeting resumed at 8:23pm.

The public rejoined the meeting from the Zoom waiting room.

Tom Morris informed the public that there was nothing much to report from the Executive Session. The lawsuit was still pending.

NEXT REGULARLY SCHEDULED MEETING: March 18, 2021

AGENDA ITEMS FOR NEXT SCHEDULED MEETING:

Tom Morris noted that the following should be added to the agenda: Monitoring Well Frequency & What Should be Monitored, Phase III Preliminary Work (Discussion/Action), Resolution to Pursue Alternatives (Discussion/Action), 2022 Budget (Discussion/Action), Process for Appointing a Director (Discussion/Action), New Monitoring Wells (Discussion), Next Steps (Discussion) for which Aaron Neilson should be present and Executive Session for Legal Strategy.

ADJOURNMENT OF MONTHLY BOARD MEETING:

Tom Morris moved to adjourn the meeting at 8:30pm. Jason seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

Attest:

Tom Morris, President

Felicity Derry, Secretary

Seeley Lake Sewer District Invoices for February 2021

District:

Seeley Lake Water District - <i>Inv#194 February 2021</i>	\$525.10
Curtiss Consulting - <i>February/March</i>	\$2,080.00
Felicity Derry - <i>January/February</i>	\$416.25
DEQ - <i>Inv#5L210110 Annual Discharge Permit Fee</i>	\$975.00
Montana State - <i>Local Government Services - Inv#2114 Board Training</i>	\$350.00
	\$4,346.35

Project:

Great West Engineering - <i>Inv#23499 January 17 - February, 20 2021</i>	\$64.50
Great West Engineering - <i>Inv#23502 Phase 2 Jan 11 - Feb 20, 2021</i>	\$23,320.00
Phase 2 – Working on sewer service and collection layout. Lift station design has is being finalized.	
Dorsey & Whitney - <i>Inv#3648622</i>	\$55,043.93
Project Total	\$78,428.43
Proposed Grant Funds	\$17,538.38
District Funds	\$5,846.12

Total Invoices: **\$82,774.78**

Proposed Grant Reimbursement/District Match For Project Invoices

Invoice	Total	WRDA	RRGL	District Match
GWE#23499	\$64.50	\$48.38	\$0.00	\$16.12
GWE#23502	\$23,320.00	\$17,490.00	\$0.00	\$5,830.00
Dorsey	\$55,043.93			
	\$78,428.43	\$17,538.38		\$5,846.12

Total Grant Funds Requested **\$17,538.38**

Seeley Lake - Missoula County Water District

PO Box 503
Seeley Lake, MT 59868-0503

Phone # 406-677-2559

Invoice

DATE	INVOICE #
3/1/2021	194

BILL TO
Seeley Lake Sewer District PO Box 403 Seeley Lake, MT 59868-0403

SHIP TO

P.O. NUMBER	TERMS	REP	SHIP	VIA	
	Due on Receipt		3/1/2021	Vince	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
34	MiscI	Bookkeeping & Admin November 2020	15.00	510.00
302	MiscO	Copies	0.05	15.10

THANK YOU!	Total	\$525.10
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CURTISS CONSULTING, LLC
1419 Howell Street
Missoula, MT 59802

District Manager for Seeley Lake Sewer District Board invoice

2-18-21	General Admin	3 hrs
2-23-21	election	3 hrs
2-24-21	board prep,USDA, board mtg, legis email	8 hrs
2-25-21	general admin	2 hrs
2-26-21	budget review, admin	2 hrs
3-1-21	general admin, election impact	3.5 hrs
3-2-21	general admin, memo on grants for funder call	3.5 hrs
3-3-21	election impact, gen admin	6 hrs
3-4-21	Project call with funders, gen admin	3 hrs
3-8-21	Seeley Lake Community Counsel zoom mtg	2 hrs
3-9-21	Call with Msla Co/ next steps	4 hrs
3-10-21	gen admin, emails, budget	4 hrs
3-11-21	Kimy-Felicity- budget call, gen admin, legis	4 hrs
3-12-21	LOR call, gen admin	3 hrs
3-13-21	Call from Rep. Hopkins requesting info, responded	1 hr
Total	52 hours@ \$40/ hr	\$2080

Payable to Curtiss Consulting, LLC

Felicity Derry
February/March 2021

Date	Time	Subject	Hours
2/23/2021	6:45-8:30p	Admin	1.75
2/24/2021	5:30-8:30p	Meeting	3.00
3/2/2021	4:30-8:00p	Admin & Meeting Mins	3.50
3/3/2021	6:30-8:45p	Meeting Mins	2.25
3/8/2021	4:30-9:30p	Admin & Meeting Mins	5.00
3/9/2021	4:45-9:15p	Meeting Mins	4.50
3/10/2021	5:30-9:45p	Meeting Mins	4.25
3/11/2021	6:30-9:45p	Meeting Mins	3.50
			<u>27.75</u>

27.75 x \$15 = \$416.25

\$416.25

\$416.25



MONTANA
STATE UNIVERSITY

Local
Government
Center

Invoice

Date:

March 9, 2021

To: Seeley Lake Sewer District
Atten:
icurtiss53@gmail.com

Invoice # 2114

Qty	Description	Unit Price	Line Total
1	Web based training by Dan Clark on 7/25/2020	\$350.00	\$350.00
		TOTAL	\$350.00

Please include invoice number on check
Make all checks payable to MSU Local Government Center
Thank you for partnering with the LGC for your educational needs

MSU Local Government Center
PO Box 170535 ▪ Bozeman, MT 59717-0535 ▪ 406-994-6694 ▪ 406-994-1905 (FAX)



Invoice No: 5L2101410
 Invoice Date: 3/2/21

SEELEY LAKE SEWER DISTRICT
 PO BOX 403
 SEELEY LAKE MT 59868

Customer No: 12229
 Payment Terms: Net 30
 Due Date: 4/1/21

For billing questions, please call PLEASE SEE INSERT

Line	Description	Quantity	UOM	Unit Amt	Net Amount
1	MTX-Outfall Charge	975.00	EA	1.00	975.00
	2020-MTX000234 Annual Invoice				

Subtotal: \$975.00
AMOUNT DUE: \$975.00

 Please return this coupon with payment.

Permit/Registration #: MTX000234
 Facility: SEELEY LAKE SEWER DISTRICT WATER RESOURC

Customer No: 12229
 Invoice No: 5L2101410
 Invoice Date: 3/2/21

Montana Department of Environmental Quality
 Financial Services Office
 PO BOX 200901
 Helena, MT 59620-0901

Amount Due: \$975.00

Amount Remitted _____ Check Number _____

Name or Mailing Address Change?
 Please check box and make changes on back.



PO Box 4817
2501 Belt View Drive
Helena, MT 59604
Phone: 406.449.8627

Seeley Lake Sewer District
Pat Goodover, District President
PO Box 403
Seeley Lake, MT 59868

Invoice number 23502
Date 02/26/2021

Project 1-19246 SEELEY LAKE PHASE 2

Professional Services from January 17, 2021 through February 20, 2021

	<u>Amount</u>	
10-13 Preliminary Design		
Contract Amount	149,600.00	
Percent Complete	100.00	
Prior Billed	149,600.00	
Total Billed	149,600.00	
		Current Billed 0.00
11-13 Final Design		
Contract Amount	116,600.00	
Percent Complete	75.00	
Prior Billed	64,130.00	
Total Billed	87,450.00	
		Current Billed 23,320.00
12-13 Bidding & Negotiating		
Contract Amount	51,000.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00
13-13 Construction		
Contract Amount	313,000.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00
14-13 Post-Construction		
Contract Amount	20,000.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00

Amount

15-13 Resident Project Representative (RPR)

Contract Amount	420,800.00
Percent Complete	0.00
Prior Billed	0.00
Total Billed	0.00

Current Billed	0.00
Total	23,320.00

Invoice total **23,320.00**

Invoice Summary

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Remaining	Remaining Percent	Current Billed
10-13 Preliminary Design	149,600.00	100.00	149,600.00	149,600.00	0.00	0.00	0.00
11-13 Final Design	116,600.00	75.00	64,130.00	87,450.00	29,150.00	25.00	23,320.00
12-13 Bidding & Negotiating	51,000.00	0.00	0.00	0.00	51,000.00	100.00	0.00
13-13 Construction	313,000.00	0.00	0.00	0.00	313,000.00	100.00	0.00
14-13 Post-Construction	20,000.00	0.00	0.00	0.00	20,000.00	100.00	0.00
15-13 Resident Project Representative (RPR)	420,800.00	0.00	0.00	0.00	420,800.00	100.00	0.00
60-13 Geotechnical Investigation	10,000.00	0.00	0.00	0.00	10,000.00	100.00	0.00
61-13 TSEP - Phase 2 Application Revision	5,000.00	100.00	5,000.00	5,000.00	0.00	0.00	0.00
Total	1,086,000.00	22.29	218,730.00	242,050.00	843,950.00	77.71	23,320.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
22952	11/18/2020	11,660.00				11,660.00	
23138	12/18/2020	5,830.00			5,830.00		
23327	01/22/2021	11,660.00		11,660.00			
23502	02/26/2021	23,320.00	23,320.00				
	Total	52,470.00	23,320.00	11,660.00	5,830.00	11,660.00	0.00

Payments are due within 30 days of the invoice date. Thank you.



PO Box 4817
2501 Belt View Drive
Helena, MT 59604

Phone: 406.449.8627

Seeley Lake Sewer District
Pat Goodover, District President
PO Box 403
Seeley Lake, MT 59868

Invoice number 23499
Date 02/26/2021

Project 1-11298 SEELEY LAKE SEWER
DISTRICT - MISSOULA COUNTY

Professional Services from January 17, 2021 through February 20, 2021

	<u>Amount</u>	
60-13 Study & Report Phase		
Contract Amount	75,000.00	
Percent Complete	101.01	
Prior Billed	75,760.29	
Total Billed	75,760.29	
		Current Billed 0.00
62-13 Final Design		
Contract Amount	343,000.00	
Percent Complete	100.00	
Prior Billed	343,000.00	
Total Billed	343,000.00	
		Current Billed 0.00
63-13 Bidding and Negotiating		
Contract Amount	138,600.00	
Percent Complete	25.00	
Prior Billed	34,650.00	
Total Billed	34,650.00	
		Current Billed 0.00
64-13 Construction Phase		
Contract Amount	760,700.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00
65-13 Post-Construction Phase		
Contract Amount	24,800.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00

Amount

66-13 Resident Project Representative (RPR)

Contract Amount	749,400.00
Percent Complete	0.00
Prior Billed	0.00
Total Billed	0.00

Current Billed 0.00

85-13 Additional Services: EDA Disaster Grant Application Sections B-E

Contract Amount	4,000.00
Percent Complete	100.00
Prior Billed	4,000.00
Total Billed	4,000.00

Current Billed 0.00

Total 0.00

Additional Services: Grant Application

Professional Fees

	<u>Hours</u>	<u>Rate</u>	<u>Billed Amount</u>
Project Administrator	0.50	129.00	64.50
Invoice total			<u>64.50</u>

Invoice Summary

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Remaining	Remaining Percent	Current Billed
60-13 Study & Report Phase	75,000.00	101.01	75,760.29	75,760.29	-760.29	-1.01	0.00
61-13 Preliminary Design	324,200.00	100.11	324,563.70	324,563.70	-363.70	-0.11	0.00
62-13 Final Design	343,000.00	100.00	343,000.00	343,000.00	0.00	0.00	0.00
63-13 Bidding and Negotiating	138,600.00	25.00	34,650.00	34,650.00	103,950.00	75.00	0.00
64-13 Construction Phase	760,700.00	0.00	0.00	0.00	760,700.00	100.00	0.00
65-13 Post-Construction Phase	24,800.00	0.00	0.00	0.00	24,800.00	100.00	0.00
66-13 Resident Project Representative (RPR)	749,400.00	0.00	0.00	0.00	749,400.00	100.00	0.00
67-13 Additional Services: Grant Application	36,000.00	63.63	22,840.77	22,905.27	13,094.73	36.37	64.50
68-13 Additional Services: Groundwater Discharge Permit	76,500.00	99.74	76,298.66	76,298.66	201.34	0.26	0.00
69-13 Additional Services: Geotechnical Investigation	98,750.00	86.57	85,484.04	85,484.04	13,265.96	13.43	0.00
70-13 Additional Services: Powell County Land Use Permit	5,000.00	82.39	4,119.25	4,119.25	880.75	17.62	0.00
71-13 Additional Services: DNRC Land Application Assistance	2,500.00	61.13	1,528.25	1,528.25	971.75	38.87	0.00

Invoice Summary

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Remaining	Remaining Percent	Current Billed
72-13 Additional Services: Environmental Analysis and Reports	15,000.00	103.40	15,509.40	15,509.40	-509.40	-3.40	0.00
73-13 Additional Services: Sewer Service Field Work	74,290.00	99.55	73,954.14	73,954.14	335.86	0.45	0.00
74-13 Additional Services:Aerial Photo	7,810.00	91.75	7,165.61	7,165.61	644.39	8.25	0.00
75-13 Additional Services: Forcemain & Lift Station Topo Survey/Aerial Photo	10,000.00	100.67	10,066.60	10,066.60	-66.60	-0.67	0.00
76-13 Additional Services: Funding Agency Assistance	60,000.00	99.93	59,957.80	59,957.80	42.20	0.07	0.00
77-13 Additional Services: Grant Administration	80,000.00	0.00	0.00	0.00	80,000.00	100.00	0.00
78-13 Additional Services: Phase 1 Wastewater Collection - Bidding & Construction Mgmt	0.00	0.00	81.75	81.75	-81.75	0.00	0.00
79-13 Additional Services: Separate Treatment & Collection Projects	10,500.00	100.00	10,499.99	10,499.99	0.01	0.00	0.00
80-13 Additional Services: O&M Manual Preparation	30,000.00	0.00	0.00	0.00	30,000.00	100.00	0.00
81-13 Additional Services: Startup Assistance	15,000.00	0.40	60.00	60.00	14,940.00	99.60	0.00
82-13 Additional Services: Coordinate with District	30,000.00	98.27	29,480.83	29,480.83	519.17	1.73	0.00
83-13 Additional Services: Phase 3 & 4 Cost Estimates	4,000.00	100.01	4,000.50	4,000.50	-0.50	-0.01	0.00
84-13 Additional Services: EDA Disaster Grant Application	10,000.00	100.25	10,024.50	10,024.50	-24.50	-0.25	0.00
85-13 Additional Services: EDA Disaster Grant Application Sections B-E	4,000.00	100.00	4,000.00	4,000.00	0.00	0.00	0.00
Total	2,985,050.00	39.97	1,193,046.08	1,193,110.58	1,791,939.42	60.03	64.50

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
23156	12/22/2020	187.50			187.50		
23499	02/26/2021	64.50	64.50				
	Total	252.00	64.50	0.00	187.50	0.00	0.00

Seeley Lake Sewer District
Project 1-11298 SEELEY LAKE SEWER DISTRICT - MISSOULA COUNTY

Invoice number 23499
Date 02/26/2021

Payments are due within 30 days of the invoice date. Thank you.



STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES
Invoice No. 3648622

Client: 489360-00001

Ms. Jean Curtiss
District Manager
Seeley Lake-Missoula County Sewer District
3360 Highway 83 North
Seeley Lake, MT 59868

For Legal Services Rendered from August 2019 through February 2021

Re: Proposed Issuance of Bonds
Seeley Lake-Missoula County Sewer District, Montana

For legal services rendered from August 2019 through February 2021 by us as bond counsel in connection with the above-referenced proposed bond issue for the Seeley Lake-Missoula County Sewer District, including adjusting subdistrict boundaries, assisting with litigation relating to assessments, analyzing financing options, determining taxable valuations, participating in determination of project costs and allocations, presenting bond option workshop, preparation of bond election resolution, discussions regarding election details, review debt service schedules, preparation of taxpayer impact statements, review Board communication/memorandum, legal research regarding qualified electors, legal research regarding campaigning, preparation of resolutions; telephone conversations, meetings, and correspondence with representatives of the District, Missoula County, Great West Engineering, Inc., USDA Rural Development, and the Montana Department of Natural Resources and Conservation regarding the project and proposed funding; attendance at Board meetings.

Total For Services and Disbursements	\$55,043.93
Total this Statement	<u>\$55,043.93</u>

For your convenience, please remit payment to the address below or we offer the option of remitting payment electronically by wire transfer. If you have any questions regarding this information, please contact the lawyer you are working with on this project or Dorsey's Accounts Receivable Department at 1-800-861-0760. Thank you.

Mailing Instructions:
Dorsey & Whitney LLP
P.O. Box 1680
Minneapolis, MN 55480-1680

Wire Instructions:
U.S. Bank National Association
800 Nicollet Mall
Minneapolis, MN 55402

(This account is only for Wire/ACH payments)
ABA Routing Number: 091000022
Account Number: 1047-8339-8282
Swift Code: USBKUS44IMT

Please make reference to the invoice number

Service charges are based on rates established by Dorsey & Whitney. A schedule of those rates has been provided and is available upon request. Disbursements and service charges, which either have not been received or processed, will appear on a later statement.

ALL INVOICES ARE DUE 30 DAYS FROM DATE OF INVOICE UNLESS OTHERWISE EXPRESSLY AGREED BY DORSEY & WHITNEY



(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

Invoice No. 3648622

Client: 489360-00001

Ms. Jean Curtiss
District Manager
Seeley Lake-Missoula County Sewer District
3360 Highway 83 North
Seeley Lake, MT 59868

For Legal Services Rendered from August 2019 through February 2021

Re: Proposed Issuance of Bonds
Seeley Lake-Missoula County Sewer District, Montana

Total For Services and Disbursements	\$55,043.93
Total this Statement	<u>\$55,043.93</u>

Service charges are based on rates established by Dorsey & Whitney. A schedule of those rates has been provided and is available upon request. Disbursements and service charges, which either have not been received or processed, will appear on a later statement.

ALL INVOICES ARE DUE 30 DAYS FROM DATE OF INVOICE UNLESS OTHERWISE EXPRESSLY AGREED BY DORSEY & WHITNEY

	JANUARY 2021	MTHLY BUDGET	2021 FISCAL YTD	YTD BUDGET	2021 BUDGET	% OF BUDGET
OPERATING BILLED INCOME						
Fee Assessment	\$2,303.34	\$17,860.75	\$132,462.86	\$125,025.25	\$214,329.00	61.8
Interest Income CAB	\$64.78	\$0.00	\$537.55	\$0.00	\$0.00	
Interest Income Missoula County	\$150.26	\$0.00	\$304.71	\$0.00	\$0.00	
TOTAL OPERATING INCOME	\$2,518.38	\$17,860.75	\$133,305.12	\$125,025.25	\$214,329.00	62.2

OPERATING EXPENSES

Audit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.0
Bookeeping	\$435.00	\$416.67	\$3,487.50	\$2,916.67	\$5,000.00	69.8
Dues & Subscriptions	\$0.00	\$41.67	\$39.00	\$291.67	\$500.00	7.8
Election	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.0
Equipment	\$0.00	\$4.17	\$0.00	\$29.17	\$50.00	0.0
Income Survey	\$0.00	\$62.50	\$0.00	\$437.50	\$750.00	0.0
Insurance - Liability	\$0.00	\$166.67	\$1,000.00	\$1,166.67	\$2,000.00	50.0
Legal	\$800.00	\$0.00	\$4,431.05	\$8,750.00	\$15,000.00	29.5
Licenses & Fees	\$0.00	\$81.25	\$0.00	\$568.75	\$975.00	0.0
Meals & Entertainment	\$0.00	\$4.17	\$0.00	\$29.17	\$50.00	0.0
Office Supplies	\$185.06	\$33.33	\$587.56	\$233.33	\$400.00	146.9
Postage	\$267.85	\$58.33	\$453.20	\$408.33	\$700.00	64.7
Public Relations	\$0.00	\$100.00	\$157.00	\$700.00	\$1,200.00	13.1
Manager	\$3,020.00	\$0.00	\$15,270.00	\$22,400.00	\$38,400.00	39.8
Secretary	\$420.00	\$350.00	\$3,367.50	\$2,450.00	\$4,200.00	80.2
Training	\$0.00	\$41.67	\$0.00	\$291.67	\$500.00	0.0
Travel	\$0.00	\$16.67	\$0.00	\$116.67	\$200.00	0.0
SSHS Testing	\$0.00	\$83.33	\$0.00	\$583.33	\$1,000.00	0.0
Water Testing	\$140.00	\$75.00	\$140.00	\$525.00	\$900.00	0.0
Well/Lake Monitoring	\$0.00	\$250.00	\$2,542.35	\$1,750.00	\$3,000.00	84.7
Reserve	\$0.00	\$0.00	\$0.00	\$16,333.33	\$28,000.00	0.0
Grant Match	\$0.00	\$1,250.00	\$0.00	\$8,750.00	\$15,000.00	0.0
Grant Writing Contracts	\$0.00	\$1,125.33	\$0.00	\$7,877.33	\$13,504.00	0.0
Repay Reserve	\$0.00	\$5,666.67	\$0.00	\$39,666.67	\$68,000.00	0.0
Pine Drive Easements	\$0.00	\$1,250.00	\$0.00	\$8,750.00	\$15,000.00	0.0
TOTAL OPERATING EXPENSES	\$5,267.91	\$11,077.42	\$31,475.16	\$125,025.25	\$214,329.00	14.69

NET OP. INCOME (LOSS)	(\$2,749.53)	\$6,783.33	\$101,829.96	\$0.00	\$0.00
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OTHER INCOME & EXPENSES

Grant WRDA - 2017	\$0.00	\$0.00	\$4,191.56	\$0.00	\$0.00
Grant WRDA 2020	\$21,862.50	\$0.00	\$62,805.00	\$0.00	\$0.00
Grant DNRC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grant TSEP 2012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LOR Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
RRGL - 2020	\$0.00	\$0.00	\$60,140.00	\$0.00	\$0.00
Grant STAG	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Missoula County Match Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

TOTAL OTHER INCOME & EXPENSES	\$21,862.50	\$0.00	\$127,136.56	\$0.00	
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TOTAL NET INCOME (LOSS)	\$19,112.97	\$6,783.33	\$228,966.52	\$0.00	
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BALANCE SHEET

ASSETS

11/30/20

12/31/20

01/31/21

CURRENT ASSETS

Cash Accounts	11/30/20	12/31/20	01/31/21
Citizens Alliance Bank Account	\$313,260.45	\$313,326.96	\$322,136.74
Missoula County Account	\$110,431.61	\$121,001.23	\$113,128.59
- District Reserve Funds	\$11,666.67	\$13,999.98	\$16,333.33
- General District Funds	\$98,764.94	\$107,001.25	\$96,795.26

Total Cash Assets **\$423,692.06** **\$434,328.19** **\$435,265.33**

Accounts Receivable **\$0.00** **\$0.00** **\$0.00**

TOTAL CURRENT ASSETS **\$423,692.06** **\$434,328.19** **\$435,265.33**

FIXED ASSETS

Construction in Progress	11/30/20	12/31/20	01/31/21
Grant Administration	\$10,487.36	\$10,487.36	\$10,487.36
Fees	\$142,477.31	\$142,477.31	\$142,477.31
Capital Expenditure	\$70,917.00	\$70,917.00	\$70,917.00
Engineering			
Coordinate with District	\$2,111.13	\$2,111.13	\$2,111.13
Environmental Analysis & Review	\$6,506.40	\$6,506.40	\$6,506.40
USFS Land Acquisition	\$11,522.60	\$11,522.60	\$11,522.60
Groundwater Discharge Permit	\$99,957.17	\$99,957.17	\$99,957.17
Public Meeting	\$2,362.80	\$2,362.80	\$2,362.80
Treatment and Collection System	\$88,825.09	\$88,825.09	\$88,825.09
Study & Report Phase	\$75,760.29	\$75,760.29	\$75,760.29
TSEP Grant Application	\$19,528.52	\$19,528.52	\$19,528.52
Coordinate with District & Attend Monthly Board Meetings	\$5,767.28	\$5,767.28	\$5,767.28
Groundwater Discharge Permit DNRC Site	\$24,270.30	\$24,270.30	\$24,270.30
Geotechnical Investigation	\$25,255.50	\$25,255.50	\$25,255.50
Powell County Land Use Permit	\$4,119.25	\$4,119.25	\$4,119.25
DNRC Land Application Assistance	\$1,528.25	\$1,528.25	\$1,528.25
Environmental Analysis & Review DNRC	\$15,509.40	\$15,509.40	\$15,509.40
Preliminary Design	\$332,916.66	\$332,916.66	\$332,916.66
Final Design	\$343,834.55	\$343,834.55	\$343,834.55
Sewer Service Field Work	\$74,403.05	\$74,403.05	\$74,403.05
Aerial Photo	\$7,809.99	\$7,809.99	\$7,809.99
Force main/Lift Stat Topo/Aerial	\$10,179.70	\$10,179.70	\$10,179.70
Funding Agency Assistance	\$47,307.80	\$47,307.80	\$47,307.80
Add Services - Grant Application	\$3,312.25	\$3,312.25	\$3,312.25
Add Services - Phase Collection - Bid & Construction	\$81.75	\$81.75	\$81.75
Add Services - Separate Treatment & Collection	\$10,499.99	\$10,499.99	\$10,499.99
Add Services - Startup Assistance	\$60.00	\$60.00	\$60.00
Add Services - Coordinate with District	\$23,526.05	\$23,713.55	\$23,713.55
Add Services - Phase 3 & 4 Cost Estimates	\$4,000.50	\$4,000.50	\$4,000.50
Add Services - Geotechnical Investigation	\$60,228.54	\$60,228.54	\$60,228.54
Add Services - Forcemain & Lift Station Topo	\$2,058.85	\$2,058.85	\$2,058.85
Add Services - Funding Agency Assistance	\$197.25	\$197.25	\$197.25
Add Services - EDA Grant App B-E	\$4,437.50	\$4,437.50	\$4,437.50
Add Services - EDA Grant App	\$9,587.00	\$9,587.00	\$9,587.00
Construction in Progress - Other	\$131,320.15	\$131,320.15	\$131,320.15
Bidding & Negotiating	\$34,650.00	\$34,650.00	\$34,650.00
Phase II Preliminary Design	\$149,600.00	\$149,600.00	\$149,600.00
Phase II Final Design	\$34,980.00	\$52,470.00	\$64,130.00
Phase II TSEP Application Revision	\$5,000.00	\$5,000.00	\$5,000.00

Total Fixed Assets **\$1,896,897.23** **\$1,914,574.73** **\$1,926,234.73**

TOTAL ASSETS **\$2,320,589.29** **\$2,348,902.92** **\$2,361,500.06**

BALANCE SHEET**LIABILITIES & EQUITY**

11/30/20

12/31/20

01/31/21

CURRENT LIABILITIES

Accounts Payable	\$33,082.50	\$36,653.33	\$30,137.50
Advance LOR Grant Income	\$308,963.37	\$308,963.37	\$308,963.37
Total Current Liabilities	\$342,045.87	\$345,616.70	\$339,100.87

TOTAL LIABILITIES**\$342,045.87****\$345,616.70****\$339,100.87****OWNERS' EQUITY**

Retained Earnings	\$1,793,432.67	\$1,793,432.67	\$1,793,432.67
Net Income (Loss)	\$185,110.75	\$209,853.55	\$228,966.52
Total Owners' Equity	\$1,978,543.42	\$2,003,286.22	\$2,022,399.19

TOTAL LIABILITIES & EQUITY**\$2,320,589.29****\$2,348,902.92****\$2,361,500.06**

CASH FLOW RECONCILIATION

	31-Dec	31-Jan	FISCAL YTD
TOTAL NET INCOME (LOSS)	\$24,742.80	\$19,112.97	\$228,966.52
Operating Activities			
Accounts Payable	(\$8,089.17)	(\$6,515.83)	(\$122,403.61)
Advance LOR Grant Income	\$0.00	\$0.00	\$0.00
Total Investing Activities	(\$8,089.17)	(\$6,515.83)	(\$122,403.61)
INCREASE (DECREASE) IN NON-CASH ASSETS			
Accounts Receivable	\$0.00	\$0.00	\$0.00
Net Cash Provided by Operating Activities	\$16,653.63	\$12,597.14	\$106,562.91
INCREASE (DECREASE) INVESTING ACTIVITIES			
Construction in Progress	(\$6,017.50)	(\$11,660.00)	(\$71,035.75)
Total Incr (Decr) in Investments	(\$6,017.50)	(\$11,660.00)	(\$71,035.75)
NET CASH INCREASE (DECREASE)	\$10,636.13	\$937.14	\$35,527.16
CHANGE IN ACCOUNT BALANCES			
Cash at Beginning of Period	\$423,692.06	\$434,328.19	\$399,738.17
Cash at End of Period	\$434,328.19	\$435,265.33	\$435,265.33
Change in Account Balances	\$10,636.13	\$937.14	\$35,527.16

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Seeley Lake - Missoula County Sewer District
Check Detail
January 2021

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	ACH	01/14/2021	Missoula County		1001 - Missoula County ...	-171.21	-171.21
TOTAL					Office Supplies	-171.21	171.21
						-171.21	171.21
Bill Pmt -Check	1478	01/21/2021	Great West Engineering		1000 - Citizens Alliance ...		-13,117.50
Bill	Inv#22548	09/28/2020			15108 - Final Design	-4,372.50	5,830.00
Bill	Inv#22735	10/26/2020			15108 - Final Design	-8,745.00	11,660.00
TOTAL						-13,117.50	17,490.00
Bill Pmt -Check	1896	01/21/2021	Great West Engineering		1001 - Missoula County ...		-4,372.50
Bill	Inv#22548	09/28/2020			15108 - Final Design	-1,457.50	5,830.00
Bill	Inv#22735	10/26/2020			15108 - Final Design	-2,915.00	11,660.00
TOTAL						-4,372.50	17,490.00
Bill Pmt -Check	1897	01/21/2021	Christian, Samson & Baskett, PLLC		1001 - Missoula County ...		-304.00
Bill	Inv#6250	12/31/2020			6282 - Legal Fees - Gener...	-304.00	304.00
TOTAL						-304.00	304.00
Bill Pmt -Check	1898	01/21/2021	ME Labs		1001 - Missoula County ...		-854.45
Bill	Inv#2013127	12/22/2020			6290 - Well/Lake Monitoring	-684.80	684.80
Bill	Inv#2013125	12/22/2020			6290 - Well/Lake Monitoring	-169.65	169.65
TOTAL						-854.45	854.45
Bill Pmt -Check	1899	01/21/2021	Missoula County Public Works		1001 - Missoula County ...		-288.38
Bill	Inv#12.31.20	12/31/2020			Office Supplies	-47.03	47.03
					Copies	-241.35	241.35
TOTAL						-288.38	288.38
Bill Pmt -Check	1900	01/21/2021	Pathfinder		1001 - Missoula County ...		-39.00
Bill	Inv#26068	12/31/2020			Dues & Subscriptions	-39.00	39.00

Seeley Lake - Missoula County Sewer District
Check Detail
January 2021

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Check	ACH	01/14/2021	Missoula County		1001 - Missoula County ...	-171.21	-171.21
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						-171.21	171.21
Bill Pmt -Check	1478	01/21/2021	Great West Engineering		1000 - Citizens Alliance ...	-13,117.50	-13,117.50
Bill	Inv#22548	09/28/2020			15108 - Final Design	-4,372.50	5,830.00
Bill	Inv#22735	10/26/2020			15108 - Final Design	-8,745.00	11,660.00
TOTAL						-13,117.50	17,490.00
Bill Pmt -Check	1896	01/21/2021	Great West Engineering		1001 - Missoula County ...	-4,372.50	-4,372.50
Bill	Inv#22548	09/28/2020			15108 - Final Design	-1,457.50	5,830.00
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TOTAL						-4,372.50	17,490.00
Bill Pmt -Check	1897	01/21/2021	Christian, Samson & Baskett, PLLC		1001 - Missoula County ...	-304.00	-304.00
Bill	Inv#6250	12/31/2020			6282 - Legal Fees - Gener...	-304.00	304.00
TOTAL						-304.00	304.00
Bill Pmt -Check	1898	01/21/2021	MIE Labs		1001 - Missoula County ...	-854.45	-854.45
Bill	Inv#2013127	12/22/2020			6290 - Well/Lake Monitoring	-684.80	684.80
Bill	Inv#2013125	12/22/2020			6290 - Well/Lake Monitoring	-169.65	169.65
TOTAL						-854.45	854.45
Bill Pmt -Check	1899	01/21/2021	Missoula County Public Works		1001 - Missoula County ...	-288.38	-288.38
Bill	Inv#12.31.20	12/31/2020			Office Supplies	-47.03	47.03
					Copies	-241.35	241.35
TOTAL						-288.38	288.38
Bill Pmt -Check	1900	01/21/2021	Pathfinder		1001 - Missoula County ...	-39.00	-39.00
Bill	Inv#26068	12/31/2020			Dues & Subscriptions	-39.00	39.00

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Seeley Lake-Missoula County Sewer District, Montana (the "District"), hereby certify that the attached resolution is a true copy of Resolution No. 03182021a, entitled: "RESOLUTION OF THE BOARD OF DIRECTORS PLACING PLANS FOR THE PROJECT ON HOLD UNTIL ADEQUATE FUNDING IS AUTHORIZED, APPROVED, AND AVAILABLE" (the "Resolution"), on file in the original records of the District in my legal custody; that the Resolution was duly adopted by the Board of Directors of the District at a meeting on 18 March, 2021, and that the meeting was duly held by the Board of Directors and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Directors voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this 18th day of March, 2021.

Secretary

RESOLUTION NO. 03182021a

**RESOLUTION OF THE BOARD OF DIRECTORS PLACING PLANS FOR THE
PROJECT ON HOLD UNTIL ADEQUATE FUNDING IS AUTHORIZED, APPROVED,
AND AVAILABLE**

WHEREAS, the Board of Directors (the "Board") of Seeley Lake-Missoula County Sewer District (the "District") adopted Resolution No. 09072016B on September 7, 2016, which was a resolution calling for an election on bonds to pay a portion of the costs of a sewage treatment plant and associated improvements serving the entire District (the "Sewage Treatment Plant") and sewage collection lines and associated improvements serving Subdistrict No. 1 of the District (the "Collection System"); and

WHEREAS, the Board adopted the resolution noted in the recital above and related resolutions because after several studies and a Preliminary Environmental Review, the Board determined it was in the best interest of the District to construct a public wastewater treatment system; and

WHEREAS, the total cost of the Sewage Treatment Plant and the Collection System (collectively, the "Project") proposed under Resolution No. 09072016B was estimated by the District's engineer, Great West Engineering, Inc., to be \$12,752,333; and

WHEREAS, the District's engineer determined it was practicable to pay the costs of the Project with \$8,196,333 in grants available to the District, \$68,000 in cash on hand, and proceeds of bonds proposed to be issued in two series in the total principal amount of \$4,488,000; and

WHEREAS, the Board held a public hearing on September 7, 2016 to provide information and take public comment on the proposed bond election and related matters; and

WHEREAS, at the bond election held on December 13, 2016, 137 qualified electors voted for the bonds and 186 voted against the bonds, and therefore the bond election failed; and

WHEREAS, the Board adopted Resolution No. 11082017 on November 8, 2017, declaring it to be the intention of the District to undertake certain local improvements consisting of the design, construction, and installation of the Sewage Treatment Plant and the Collection System, and to undertake to authorize special assessments to finance a portion of the costs thereof and incidental thereto through the issuance of special assessment bonds; and

WHEREAS, the total estimated cost of the Project proposed under Resolution No. 11082017 was \$15,654,333, to be paid by various grants totaling \$9,796,333, \$68,000 of District funds on hand, and special assessment bonds to be issued in three series: the Collection System Bond in the total principal amount of \$1,488,000, and the Sewage Treatment Plant Bonds in the total principal amounts of \$3,000,000 and \$1,302,000, respectively; and

WHEREAS, owners owning property liable to be assessed for less than 50% of the costs of the improvements protested the proposed special assessments during the protest period; and

WHEREAS, on December 21, 2017 following a public hearing, the Board adopted Resolution No.12212017, which authorized the District to levy special assessments to finance a portion of the costs of the Project through one or more series of special assessment bonds, which would provide up to \$5,790,000 in funding; and

WHEREAS, the Board voted in September 2018, to authorize Great West Engineering to proceed with the final design for the Sewage Treatment Plant and the Collection System; and

WHEREAS, on August 15, 2019 the Board adopted Resolution No.08152019A requiring all property owners to connect to the sewer system within 90 days of the sewer system being operational; and

WHEREAS, on April 21, 2020, the Montana Department of Environmental Quality approved the design of the Project prepared by Great West Engineering, Inc.; and

WHEREAS, on June 4, 2020, the Board was informed orally and in writing by the Office of USDA Rural Development that the Project budget was approximately \$800,000 to \$1 million short of the funding needed to complete the Project and that other conditions to proceeding with a fully funded grant and loan package were not satisfied; and

WHEREAS, due to the insufficiency of funds and other financing conditions that were not then satisfied, the Board was not able to use the special assessment authorization as described in Resolution No. 12212017 and needed to seek new replacement bond authorization in a greater principal amount and to satisfy other financing conditions to proceed with the grant and loan package; and

WHEREAS, on July 16, 2020, the Board adopted Resolution No. 07162020B, which stated that the Board would pursue funding options and may consider a bond election to fund the Project rather than the approved but inadequate special assessment authority to more equitably spread the costs of the system; and

WHEREAS, the estimated total cost of the Project was determined to be \$17,000,000, meaning that the special assessment authority from 2017 fell short of a fully funded project by \$1,185,000; and

WHEREAS, the Board determined that (i) general obligation bonds spread the costs of the Sewage Treatment Plant more equitably than the 2017 special assessment authority, which was based on equal amount per lot, and (ii) the bonds had to be put before the vote of the people; and

WHEREAS, on November 19, 2020, the Board adopted Resolution No. 11192020 in which the Board called for an election on February 23, 2021 for the purposes of allowing qualified electors in the District to vote on the sale and issuance of general obligation bonds in an aggregate principal amount not to exceed \$4,942,000 to pay a portion of the costs of the Sewage Treatment Plant; and

WHEREAS, Resolution No. 11192020 further provided for an election to allow a vote by qualified electors in Subdistrict No. 1 regarding the issuance of revenue bonds of the District in an

aggregate principal amount not to exceed \$1,488,000 to pay a portion of the costs of the Collection System; and

WHEREAS, on February 23, 2021 a majority of qualified voters in the District voted against issuing both general obligation bonds and revenue bonds as funding mechanisms to pay a portion of the costs of the Project, with 198 voting against and 98 voting for the general obligation bonds, and 80 voting against and 33 voting for the revenue bonds; and

WHEREAS, in a letter to the District dated February 24, 2021, USDA-RD notified the District that because of the lack of community support for the general obligation bonds and revenue bonds to complete the funding package by providing authorization to repay the low interest loans that would pay a portion of the overall costs of the Project, USDA-RD would de-obligate the USDA grant and loan package to fund a portion of the costs of the Project; and

WHEREAS, USDA noted in its letter that there were increased Project costs and additional bonding authority was needed for the Project to be fully funded to retain the grant and loan package; and

WHEREAS, without the USDA-RD funding, other grants have been or soon will be de-obligated, including but not limited to grants from the RRGL program, the WRDA program, the STAG program, the TSEP program, and the LOR Foundation; and

WHEREAS, the District may incur debt only by complying with the applicable provisions of Montana Code Annotated, Title 7, Chapter 13, Parts 22 and 23; and

WHEREAS, in light of the foregoing, the Board, while remaining committed to the District's purpose of supporting and maintaining a healthy environment for present and future generations, and while equally devoted to the ultimate completion of the Project, determines the Project is not presently financially viable and that, in the absence of a lawful means to pay for costs of undertaking and completing the Project, it is impossible to undertake or complete the Project.

NOW THEREFORE IT IS RESOLVED AS FOLLOWS:

RESOLVED, that the District hereby places plans for the Project on hold until the District's then-existing board of directors finds sources of adequate funding to proceed with undertakings in furtherance of a sewer system project.

Passed and approved by the Board of Directors of the District this 18th day of March, 2021.

President of the Board of Directors

ATTEST:

Secretary

Resolution #03182021b

Resolution: To reprioritize and broaden district efforts to address wastewater treatment

Whereas, the qualified Seeley Lake Sewer District electorate voted by a very large margin on February 23, 2021 to not support the bonding measures for the SBR treatment system, thus showing inadequate support for the SBR system;

Whereas, essential funding to help construct the SBR treatment system has been withdrawn by the USDA;

Whereas, there remains some concern regarding the presence of high Nitrates in the groundwater within a portion of the District;

Whereas, options aside from the SBR treatment system exist to remedy wastewater issues;

Whereas, a core purpose of the Seeley Lake Sewer District is to address wastewater issues;

Therefore, be it resolved that the Seeley Lake Sewer District Board of Directors shall move forward to reprioritize and broaden efforts to address wastewater treatment within the district.

Passed and approved on this day of 18th March, 2021.

President, Board of Directors

ATTEST:

Secretary